

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO. 955 OF 2015

HIRAMAN GANPAT DHEPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Mayure Pramod C
Mr. SG Nandedkar, AGP for Respondents: 1 & 2;
Mr. Chapalgaonkar S.G., Adv. For R/4.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 30, 2015

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PER COURT :-

1) Heard. The petitioner is praying for directions to the respondents to release the amount of Rs.1,00,000/- (Rupees one lakh) towards the insurance claim under Farmer's Personal Accident Scheme. According to the petitioner, fatal accident has taken place in the year 2005, however, the claim has been lodged with the Revenue department in the year 2008. The petitioner contends that the claim was considered by the Committee and it was forwarded with recommendations to the higher officer, i.e. Agriculture officer on 27.2.2009. However, the Insurance company has not released the amount of insurance claim.

2) It is informed that the period prescribed for presentation of the proposal for claiming insurance amount under the Scheme is of 90 days.

3) An affidavit in reply has been presented on behalf of the Insurance company, wherein it has been stated that the proposal, as alleged by the petitioner, has neither

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reached the Broker's office nor at the office of Insurance company till this date, and as such, no decision could be taken in respect of the proposal of the petitioner.

4) It is noticed that in spite of occurrence of the accident in 2005, the petitioner has tendered a delayed proposal after lapse of three years. Reliance placed by the petitioner on the Resolution dated 3rd May, 2008, is misplaced since the proposal itself was tendered after lapse of three years and the same is not at all traceable till this date. In these circumstances, after lapse of more than ten years from the date of the accident, no directions, as requested by the petitioner, can be issued to the respondents. Apart from this, there is no record tendered before us in respect of occurrence of death on account of the accident. The medical certificate placed on record is not sufficient to draw an inference that the death has taken place as a result of accident.

5) For the reasons recorded above, no interference is called for. The writ petition is devoid of substance and the same stands dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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